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AN ACT
RELATING TO EDUCATION; ENACTING THE DEAF AND HARD-OF-HEARING
CHILDREN'S EDUCATIONAL BILL OF RIGHTS.

BE IT ENACTED BY THE LEGISLATURE OF THE STATE OF NEW MEXICO:

Section 1. SHORT TITLE.--This act may be cited as the
"Deaf and Hard-of-Hearing Children's Educational Bill of
Rights".

Section 2. FINDINGS AND PURPOSE.--

A. The legislature finds that:

(1) hearing loss affects the most basic
human need, communication. Without quality communication a
child is isolated from other human beings and from the
exchange of knowledge essential for educational growth and,
therefore, cannot develop the skills required to become a
productive, capable adult and a fully participatory member of
society;

(2) children with hearing loss have the same
innate capabilities as any other children. They communicate
in a wide variety of manual and spoken modes, languages and
systems. Some use aural/oral modes of communication, while
others use a combination of aural/oral and manual
communication. Many use American sign language, which is a
formal language, as well as the preferred everyday language
of the deaf community. Obviously, all children need to

1 develop English proficiency; and

2 (3) it is, therefore, critical that all New
3 Mexicans work toward ensuring that:

4 (a) deaf and hard-of-hearing children,
5 like all children, have quality, ongoing and fluid
6 communication, both in and out of the classroom;

7 (b) deaf and hard-of-hearing children
8 be placed in the least restrictive educational environment
9 and receive services based on their unique communication,
10 language and educational needs, consistent with 20 U.S.C.
11 Section 1414(d)(3)(B)(iv) of the federal Individuals with
12 Disabilities Education Act;

13 (c) deaf and hard-of-hearing children
14 be given an education in which teachers and related service
15 providers and assessors understand the unique nature of
16 deafness, are specifically trained to work with hard-of-
17 hearing and deaf pupils and can communicate spontaneously and
18 fluidly with these children;

19 (d) deaf and hard-of-hearing children,
20 like all children, have the benefit of an education in which
21 there are a sufficient number of age-appropriate peers and
22 adults with whom they can interact and communicate in a
23 spontaneous and fluid way;

24 (e) deaf and hard-of-hearing children
25 receive an education in which they are exposed to deaf and

1 hard-of-hearing role models;

2 (f) deaf and hard-of-hearing children,
3 like all children, have direct and appropriate access to all
4 components of the educational process, including recess;
5 lunch; and extracurricular, social and athletic activities;

6 (g) deaf and hard-of-hearing children,
7 like all children, be provided with programs in which
8 transition planning, as required under the federal
9 Individuals with Disabilities Education Act, focuses on their
10 unique vocational needs; and

11 (h) families of children who are deaf
12 or hard-of-hearing receive accurate, balanced and complete
13 information regarding their child's educational and
14 communication needs and the available programmatic, placement
15 and resource options, as well as access to support services
16 and advocacy resources from public and private agencies,
17 departments and all other institutions and resources
18 knowledgeable about hearing loss and the needs of children
19 who are deaf or hard-of-hearing.

20 B. Given the central importance of communication
21 to all human beings, the purpose of the Deaf and Hard-of-
22 Hearing Children's Educational Bill of Rights is to encourage
23 the development of a communication-driven and language-driven
24 educational delivery system in New Mexico for children who
25 are deaf or hard-of-hearing.

1 Section 3. EDUCATIONAL RIGHTS OF DEAF AND HARD-OF-
2 HEARING CHILDREN--ADDITIONAL DUTY OF PUBLIC EDUCATION
3 DEPARTMENT.--

4 A. The state of New Mexico recognizes the unique
5 communication needs of children who are deaf or hard-of-
6 hearing and encourages the development of specific
7 recommendations by all state agencies, institutions and
8 political subdivisions concerned with the early intervention,
9 early childhood and kindergarten through twelfth grade
10 education of students who are deaf or hard-of-hearing,
11 including the public education department, the New Mexico
12 school for the deaf and the department of health, to ensure
13 that:

14 (1) these children have what every other
15 child takes for granted, including an educational environment
16 in which their language and communication needs are fully
17 addressed and developed and in which they have early, ongoing
18 and quality access to planned and incidental communication
19 opportunities; and

20 (2) the recommendations, consistent with the
21 findings and purpose of the Deaf and Hard-of-Hearing
22 Children's Educational Bill of Rights, be completed
23 expeditiously.

24 B. Since 20 U.S.C. Section 1414(d)(3)(B)(iv) of
25 the federal Individuals with Disabilities Education Act

1 requires that the individual education plan team consider the
2 unique communication needs of children who are deaf or
3 hard-of-hearing, the public education department shall develop
4 a model "communication consideration for students who are deaf
5 or hard-of-hearing", to become part of the individual
6 education plan process. The model shall be disseminated to
7 all local school districts, with training to be provided as
8 determined by the department.

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